

BOARD OF MAYOR AND ALDERMEN

April 15, 2003

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil,
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Smith

Mayor Baines stated what I would like to do now is take up an order of business out of respect to some of the people that are here this evening and that is the nomination of the next police chief here in the City of Manchester. First of all I would like to thank the Board of Aldermen for your input during the process. I want to specifically thank the members of the Police Commission who are extraordinary Commissioners, especially the Chairman, Fern Gelinas, who brought to the discussions and the interview process a wealth of knowledge and understanding of the personnel and the issues facing the Police Department. I also want to thank the Police Chief whose help throughout the process has been nothing short of extraordinary in terms of guiding me through the process insuring that we had a process that was open and fair to everyone involved. That is exactly what evolved through this process. It was a long process and a long ordeal but at the end of the day a consensus developed that the best choice that I could make and I want to assure you that a consensus did evolve, a very strong and powerful consensus developed but having said that and I said it in the newspaper and I want to say it publicly before all of you. I have had the opportunity during my career to participate in many interviews, perhaps hundreds of interviews and this was one of the finest interviews that I have ever experienced in my career. It is a tribute to this Police Department and the training in this department. As you know to be a police officer and come up through the ranks you must be subjected to extensive training and police work and you start on the foot patrols and work your way up. The three gentlemen that appeared before us and I am speaking for the whole interview committee, were extraordinary interviews and extraordinary public servants – people that should make each and every one of you proud that you are a citizen of the City of Manchester. The awesome responsibility whenever a Chief moves shifts and the reason I am asking you to suspend the rules and approve this nomination this evening is to demonstrate to this community that there is going to be a seamless transition of leadership in that department. As you know, we are confronting very serious issues. This is not the time to lag behind on an appointment because we are facing Homeland Security issues. We receive bulletins every day. A lot of work goes on behind the scenes that a lot of people don't know about plus all of the other issues that are emerging in our City because of economic forces and general crimes. This is

the time to continue that seamless transition of leadership and it is an honor and a privilege and besides former Mayor Shaw I am probably the first Mayor in the City that has had the opportunity to actually nominate a Police Chief. I want you to know that I took it very, very seriously and as I said to the candidates, I am not selecting a Police Chief for this Mayor or any Mayor. We are selecting a Police Chief for the citizens of this community and that is what I have tried to do and I believe I have come to the conclusion that I am nominating someone that I am extremely proud of and actually who I knew the least of when I started the interview process but what emerged here was an extraordinary leader; calm, reassuring, knowledgeable, innovative and someone who had the incredible support of his fellow police officers and that is very clear indeed. In fact you are seeing here tonight the two candidates that weren't successful and this is a tribute to them too because they understand the importance of this transition and what it means for the department. So it is with great pride that I nominate Deputy Chief John Jaskolka to become the Chief of Police effective with his swearing in ceremony at 11 AM on Monday morning at the Manchester Police Department. After you vote this evening and support this nomination, which I am sure you will, I am going to appoint him as Acting Chief effective Friday and I am asking...I am going to call upon Alderman Pinard because this fine gentleman resides in his ward and ask you to nominate Deputy Chief Jaskolka and to suspend the rules to confirm this nomination this evening.

Alderman Pinard moved to suspend the rules and confirm Deputy Chief John Jaskolka as Police Chief effective Monday, April 21, 2003. Alderman Smith duly seconded the motion.

Alderman Wihby stated in the discussion with the different candidates did anybody or did you touch upon the number of deputies that they have and trying to cut that down.

Mayor Baines answered yes we did.

Alderman Wihby asked do you know if this candidate is in favor of looking at that at least.

Mayor Baines replied I think I can speak for this candidate. He has made a request that the position be filled.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Deputy Chief Jaskolka stated Mayor Baines and ladies and gentlemen of the Board I just want to take a short moment of your very busy agenda tonight to express my sincere gratitude for my appointment as Chief of Police. Since 1846 when the Manchester Police Department was first incorporated, there has been a long and proud tradition of honor and respect that have gone along with the position of Chief of Police. I am well aware that being Chief is a mammoth undertaking and I, along with the support of my family who are here

tonight, am ready to assume this responsibility. I can assure you that I will move the Manchester Police Department into the future to advance us in technology and training. Once again, I am truly honored to be appointed as your next Chief of Police. Thank you very much.

Mayor Baines stated as you know I have heard the Chief say this at so many occasions when we are swearing in new police officers and he always has the event at the Police Station and events all of the family members – the mothers, fathers, brothers, and sisters because he said when you become a police officer your whole family becomes a police officer and I know, John, that you have a lot of members of your family here and it is important for you to introduce them this evening.

Deputy Chief Jaskolka responded I did bring my family with me. My wife, Katherine; my daughter Erica who is a sophomore at UNH; my son Nicholas who is a senior at Memorial; my mother-in-law Marie and her husband, my father-in-law, John Dovas and all of the other supporters that are I would take the rest of the evening to name. Thank you.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Minutes Accepted

- A. Minutes of meetings held January 7, 2003 (two meetings) and January 21, 2003.

Approve Under Supervision of the Department of Highways

- B. PSNH Pole Petition #11-976 located on Belmont Street
Verizon Pole Petitions:
#9AAD45C located on Fourth Street
#9AAD45 located on Fourth Street
#9AAD8T located on Goffstown Road
#224169C located on Harvey Road and Bouchard Street

Approve Under Supervision of the Department of Highways - Subject to the Availability of Funding

- C. Sidewalk Improvement Petitions 50/50 Program.

Informational – to be Received and Filed

- D. Communication from Jessica Kinsey, Executive Director of Art Builds Community, thanking the Manchester Airport for their contribution of \$2,500.

- E.** Communication from Mark L. Driscoll, Chief of Police, informing the Board that the Manchester Police Department has received National Accreditation for a period of three years.
- G.** Communication from Manchester Transit Authority submitting copies of the minutes of their March 24, 2003 meeting and reports for the month of February.
- H.** Copy of a communication from Commissioner Murray, NH Department of Transportation, advising of contemplated awards.

Accept Funds and Remand for the Purpose Intended

- I.** Communication from Randy Sherman, Deputy Finance Officer, advising of the receipt of \$500.00 from the Sam’s Club Foundation for purchasing supplies and equipment for the Gang Reduction Education and Training (GRE98) Project.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- J.** Bond Resolution:

“Authorizing Bonds or Notes in the Amount of Forty Four Million Dollars (\$44,000,000) to Pay Costs of Constructing, Originally Equipping and Furnishing a New Water Treatment Plant for Use by the Manchester Water Works, and for the Payment of all Other Incidental Costs Related Thereto.”
- K.** Resolutions:

“Making Certain Technical Adjustments in Certain Resolutions of the Board of Mayor and Aldermen Which Authorized the Issuance of Bonds or Notes to Finance Certain Improvements for the Manchester Water Works in the Aggregate Total of \$2,000,000.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Million Five Hundred Thousand Dollars (\$10,500,000) for certain Manchester Water Works Improvement Projects.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- M.** Recommending that Ordinances:

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 0410, Lot 0007, known as 243 East High Street.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 484, Lot 43 on Zorona.”

ought to pass.

COMMITTEE ON COMMUNITY IMPROVEMENT

- N.** Recommending that the Board authorize additional funding in the amount of Ten Million Five Hundred Thousand Dollars (\$10,500,000) for certain Manchester Water Works Improvement Projects and for such purpose a resolution has been submitted.
- O.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$3,148 for the FY2003 CIP 411603 NH Clique Seat Belt Campaign, and for such purpose a resolution and budget authorization has been submitted.
- P.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$67,663 for the FY2000 CIP 410900 Gang Interdiction Program, and for such purpose a resolution and budget authorization has been submitted.
- Q.** Recommending that the Board authorize authorize the expenditure of funds in the amount of \$2,300,000 for the FY2003 CIP 511403 Derryfield Golf Course Club House Construction Project, and for such purpose a resolution and budget authorization has been submitted.
- R.** Communication from Robert MacKenzie regarding the Neighborhood Resource Center (MCRC) becoming a free-standing organization.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- T.** Recommending that a request from CIGNA HealthCare of New Hampshire to hang a 60-foot banner across Elm Street to mark the start of their 5K Road Race on Thursday, August 14, 2003 be granted and approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Departments.
- U.** Recommending that a request from WGIR to use Arms Park and the Notre Dame Bridge for their 12th annual WGIR/FM Memorial Weekend fireworks display to be held on Saturday, May 25, 2003 with a rain date of Monday, May 26, 2003 be granted approved under the direct supervision of the City Clerk, Fire, Highway, Police, Traffic and Risk Departments.
- V.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN PINARD, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- F.** Communication from Stephen H. Singer, President, Merchants Automotive Group asking the Board to relocate Singer Family Park to an appropriate location within Manchester.

Alderman Shea stated this is in regards to the communication from Steve Singer. I am wondering if he has a specific type of renovation so that we will have a soccer field or is he

just in favor, as his letter indicates, to have a place that the youth of Manchester...is that what he is indicating.

Mayor Baines responded the indication that I have from him, as I mentioned at that press conference that day, is they have a real desire to keep Singer Family Park as an athletic field for young people in our community and they are willing to work with the Board. The family has made a commitment to that and they would like to see that continue but I believe they would be open to other ideas as long as that money is not used for something else, which they originally came forward with to help support this project. That issue is in the CIP Committee.

Alderman Shea stated where Singer Park was it was a soccer venue more or less but his concern is for the youth of Manchester.

Mayor Baines responded absolutely.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to receive and file this item.

L. Resolutions:

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Three Thousand One Hundred Forty Eight Dollars (\$3,148) for 2003 CIP 411603 NH Clique Seat Belt Campaign.”

“Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Seven Thousand Six Hundred Sixty Three Dollars (\$67,663) for the 2000 CIP 410900 Gang Interdiction Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) for FY2003 CIP 511403 Derryfield Golf Course Club House Construction Project.”

Alderman DeVries stated once again I am bringing up a reference to the Derryfield Golf Course and the Club House improvements. I have been the only Alderman who has consistently been opposed to this and I would like to bring to the Board's attention that we are going to be asked tonight on several occasions to vote in favor of this. I realize that the funding for this project does come from Enterprise funding, not tax payer dollars. I am offended, however, that we are going to be asked to make a commitment to the improvements to the golf course before we are asked to make a commitment to the improvements to our schools, the design-build. That will be the last time, I believe, that we will see it in Finance and it is on the agenda ahead of the school improvements. I think that is a very poor perception of the priorities that we are placing in the City. I am offended that it is placed on the agenda.

Alderman Shea moved to refer the resolutions to the Committee on Finance. Alderman Lopez duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman DeVries being duly recorded in opposition to the resolution on the Derryfield Golf Course Club House.

S. Report of Committee on Finance recommending that Appropriating Resolution:

“A Resolution appropriating to the Manchester School District the sum of \$127,075,275 for the Fiscal Year 2004.”

ought to pass and layover with no amendments.

Mayor Baines stated my recommendation is because we have not had a public hearing that this be tabled this evening pending a public hearing because there is a whole process that needs to go forward and again all of the budgets will not be adopted until the Board acts.

On motion of Alderman Garrity, duly seconded by Alderman Thibault, it was voted to table this item.

Nominations were presented by Mayor Baines as follows:

Elderly Services Commission

Mary Ann Totten to succeed Walter Stiles, term to expire January 2006

Planning Board

Todd Connors to replace Christopher Dodd, term to expire May 1, 2005; and Mark Isenberg to succeed Todd Connors as an alternate, term to expire May 1, 2006.

Mayor Baines noted that under the rules of the Board these nominations would lay over until the next meeting.

Confirmation of nomination of Steve Freeman to succeed Calvin Cramer as a member of the Zoning Board of Adjustment, term to expire March 1, 2006.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn, it was voted to confirm the nomination as presented.

Confirmation of nomination of George McNamara to succeed John Brady as a member of the Zoning Board of Adjustment, term to expire March 1, 2006.

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to confirm the nomination as presented.

Confirmation of nomination of Marguerite Wageling to replace George McNamara as an alternate, term to expire March 1, 2004.

On motion of Alderman Pinard, duly seconded by Alderman Sysyn, it was voted to confirm the nomination as presented.

Confirmation of nomination of Victoria Chapman to replace George Morrisette, term to expire January 2005.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn, it was voted to confirm the nomination as presented.

Mayor Baines called a five-minute recess.

Mayor Baines called the meeting back to order.

Mayor Baines asked that the rules be suspended and the nominations he presented be confirmed this evening.

On motion of Alderman DeVries, duly seconded by Alderman Shea, it was voted to suspend the rules and confirm the nominations of Dr. Mary Anne Totten to the Elderly Services Commission, term to expire January 2006; Todd Connors to the Planning Board, term to expire May 1, 2005; Mark Isenberg as an alternate to the Planning Board, term to expire May 1, 2006.

On motion of Alderman Osborne, duly seconded by Alderman O'Neil, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Bond Resolution:

“Authorizing Bonds or Notes in the Amount of Forty Four Million Dollars (\$44,000,000) to Pay Costs of Constructing, Originally Equipping and Furnishing a New Water Treatment Plant for Use by the Manchester Water Works, and for the Payment of all Other Incidental Costs Related Thereto.”

ought to pass and lay over and further recommending that Resolutions:

“Making Certain Technical Adjustments in Certain Resolutions of the Board of Mayor and Aldermen Which Authorized the Issuance of Bonds or Notes to Finance Certain Improvements for the Manchester Water Works in the Aggregate Total of \$2,000,000.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Million Five Hundred Thousand Dollars (\$10,500,000) for certain Manchester Water Works Improvement Projects.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Three Thousand One Hundred Forty Eight Dollars (\$3,148) for 2003 CIP 411603 NH Clique Seat Belt Campaign.”

“Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Sixty Seven Thousand Six Hundred Sixty Three Dollars (\$67,663) for the 2000 CIP 410900 Gang Interdiction Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) for FY2003 CIP 511403 Derryfield Golf Course Club House Construction Project.”

ought to pass and be Enrolled.

Alderman O’Neil moved to accept, receive and adopt the report of the Committee on Finance as presented. Alderman Smith duly seconded the motion. The motion carried with Alderman DeVries duly recorded in opposition to the resolution related to the Derryfield Golf Course Club House Construction Project.

A second report of the Committee on Finance was presented recommending that Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases up to the Aggregate Principal Amount of One Hundred Ten Million Dollars (\$110,000,000), Which May Be Issued As General Obligation Bonds, Notes or Lease Purchases, Municipal Revenue Bonds, Notes or Lease Purchases or Any Combination of the Foregoing as the Mayor and Finance Officer May Determine, to Finance Costs Associated with the Manchester Schools Improvement Program and for the Payment of all Other Costs Incidental and Related Thereto.”

ought to pass and lay over.

Alderman Pinard moved to accept, receive and adopt the report as submitted. Alderman Forest duly seconded the motion. The motion carried with Aldermen Garrity and Shea duly recorded in opposition.

There was no report of the Committee on Lands and Buildings presented.

Communication from Alderman Garrity requesting that the Board order a non-binding referendum question:

“Should the Board of Mayor and Aldermen approve the issuance of up to \$25,000,000 of general obligation bonds paid by taxpayer dollars and revenues received by the City for the development of a permanent baseball stadium at Riverfront Park?”

to be placed on the September 2003 primary ballot.

Alderman Garrity stated I’m not opposed to baseball. I do have some concerns about the bonding, with the lease payments on the baseball team towards the 20 year bond. I believe if the baseball team were to leave in three to four years, I believe it leaves the city at a substantial risk. I do believe to that this baseball stadium should be held up to the same scrutiny as the civic center was, and I believe it’s very important that the voters of Manchester be heard. In the paperwork on number 13 on page 6, I’ve stated that I would like it to be placed on the September 2003 ballot, it’s not my intention to delay the stadium but it is my intention that the voters be heard, and I would request a special election for the referendum vote in the city of Manchester no later than June 1 of this year so not to delay the project.

Mayor Baines stated let’s have a little bit more discussion, Randy if you could address the issue of the lease issue, I believe there has been some misinformation out there about the lease if you would explain that.

Mr. Sherman stated I heard at least once tonight at the public session that somewhere out there somebody thinks that we have a three-year lease. I am going to tell you that at this point we have no lease with the baseball team. It is currently under negotiation. It has always been the intent of the city to have the lease at least the length of the debt service. So if we are looking at a 20-year bond issue at a minimum we are looking at a 20-year lease. The team has actually submitted a letter (distributed to members of the Board) which I’ll read into the record.

Dear Mr. Sherman:

As the proposed river development continues to advance I would again like to thank you for your continued commitment in maintaining cooperation and aggressively advancing needed time schedules. As previously noted, we would ask that we work through the stadium lease agreement the term coincides with the debt service term, (i.e. 20 years bonding 20 year lease agreement). Additionally, 6 to 4 to 3, L.L.C. is willing and would not only secure the lease corporately, but personally by equity partners. We look forward to finalizing these documents and bringing affiliated AA baseball to Manchester.

S/Drew Weber

S/Kurt D. Sanborn

Mr. Sherman stated again these are still in negotiations but I did want the Board to understand that we are not only looking at a 20 years lease, we are also looking at a letter of credit equal to at least three years of the lease payments and maybe that’s where some

people got that issue confused, then over and above that we are looking at the personal guarantees by the owners of the team.

Alderman Garrity stated I believe it was back in November during a full board meeting, I think you (Mr. Sherman) and I had this discussion about payments. I believe it's close to \$750,000, the payments.

Mr. Sherman responded the minimum lease payment that we are looking at on the stadium would be 750.

Alderman Garrity stated back then I believe you stated that if we had a three year guarantee, is that right.

Mr. Sherman responded what we are asking them for is a letter of credit equal to three years payment. That way if they should happen to fall on hard times one year that we know that those dollars are there for at least a three-year period. Now in addition to that over and above that three years we'll have personal guarantees. That's where the three-year issue is coming from. So if we get out to year 12 and all of a sudden something happens to the team we know we are at least protected for years 13, 14, and 15 and and year 16 through 20 the protection that you would have would be on their personal guarantee.

Mayor Baines noted again, we are not asking for any votes on any of this tonight we are just dealing with a referendum issue and I do have some words that I have to share with you from a discussion I had with the developer prior to the meeting but I'll wait a little bit later on.

Alderman Wihby stated it was a little too bad that everybody talks about this being baseball. It's more than baseball. I think sitting back when the Verizon Center was being discussed in its early stages and I was one of the people that sat in those meetings, we talked about a Verizon Center and we talked about it might end up costing taxpayers some money, we weren't too sure because it was just an arena and it was for entertainment. This has come off as if its baseball, baseball, baseball, but we know it's retail, it's a hotel and we know there's other things going in there and the electrical plant and all of that other stuff that it's going to generate some extra taxes to us. We know that those taxes are going to end up being more than what the bonding requirement is going to be. I think what happened, and I've got to thank Alderman Garrity for bringing forward the referendum issue because I think what has happened since that time we've gotten better guarantees from the developer, personal guarantees, letters of credit, and the lease extension, so I think some good things came of this. My concern is if we delay this project, what is the, I think everybody is for referendum and wants to let the public decide, and I guess I get just as many phone calls from people saying we elected you into office and we want you to decide we don't need a referendum, it goes either way, but I guess what happens if this gets delayed and we go with

a referendum and what's that going to do to the project in the future. I know talking with the developer if we waited until September he says you might as well forget the referendum because we are not going to go forward.

Mr. Sherman stated you make a very good point. This really is more than baseball. They are using, you've got different developers if you recall, and they are using baseball as the drawing point to bring in the other developers. I think you have heard before that the hotel says we'll build the hotel but if there is no stadium, we are really not interested in that site. I think you are finding the same thing on the retail and I know the Mayor's going to tell you that in a few minutes and I've heard it several times. And again, these are the people that are bringing you the resident units that you are looking for downtown, but to take those residents and stick them down in that part of the millyard with nothing else around them isn't appealing, unless you have the other items to go with it. They are looking to enhance the river walk. They are looking to bring the power plant in. That was their idea to bring that in and bring those tax dollars to the project. This is not unlike what we saw when the Mall of New Hampshire came in. They came in and said we'll put in the mall but you've got to kick in some dollars, loan us some money, due the infrastructure, we'll pay you back over 20 years, but they were looking at that point for the city to do that. That's what they needed to get the mall done. What they are looking at for the other developments is they need you to help them finance that stadium. They are willing to kick in some money they are willing to guarantee the leases, but that's the drawing point that they are using to draw the retail and residential developers.

Mayor Baines stated he wished to read something prepared by the City Solicitor's office that also partially answers Alderman Wihby's question, starting with the first bullet

- The MOU has been executed. The Board adopted a memorandum of understanding...requires a good faith effort by the city in moving forward with the project.
- The master lease has already been executed. The City has committed to moving forward with the bonding once \$40 million of assessed value has been generated.

Mayor Baines stated we promised that, we signed it. We executed the agreement, then continuing with the letter...

- The Gill Stadium lease has already been executed.

The Developer 6 to 4 to 3 has the right to begin renovations and go forward and utilize the stadium. In the event the city fails to fund the baseball stadium, the city will owe 6 to 4 to 3 \$250,000 to be funded from the revenues on the remainder of the project. While a non-binding referendum in and of itself does not constitute a breach of any agreements it is a change to the ground rules all parties have been working under. Depending on when any referendum is held and the City's action after the referendum breaches could occur exposing the City to an undetermined potential liability.

Mayor Baines stated let me say something to you to further answer Alderman Wihby's question. I just got off the phone when I was on my way to another event with the major developer, Kurt Sanborn, and he has got a lot of investor's very nervous right now. People

who have invested millions of dollars and they are getting nervous because they have been working with the City in good faith, basically summarizing his words they have met every condition we had set forward. There have been ample opportunities for public input. This is not a new project. If there was an issue of a referendum, I didn't here any alderman, anybody come before the Board every single public hearing ever mention that. Because the people of the City I think understand that this is a major redevelopment project. He made it very clear to me that if the ten votes are not here to defeat this issue this evening high probability that this project is dead. And Randy has had the same conversations; Randy and I talked before we came in. They have too much at risk financially here. They have a team owner that spent I don't know how many millions of dollars for a team, that's in a losing situation down in New Haven this year, because he is moving the team. He can't wait around any longer to fiddle with the situation. I'll give you this analogy. The other thing that is concerning me as Randy, Kevin and others involved in this project know that we are already talking to a whole group of other developers. A whole group. We have had developers fly in from the West Coast on two different occasions, not even associated with this project excited about what is going on in the City. They are coming in with additional investments in the City. Alderman O'Neil has sat in on some of these meetings. We are talking about millions and millions and millions of dollars of private investment ready to piggyback on this project. As Jay Taylor pointed out, one of the most respected people in economic development, the signal that is being sent to the development community tonight will be felt long after any vote that occurs this evening if we vote for a referendum. Because I'm going to tell you that these opportunities will dry up. Because the thing that developers have always questioned about the City of Manchester is the uncertainty of dealing with the City. We have demonstrated, this Board of Mayor and Aldermen, has demonstrated certainty, we've set out the parameters and we've moved forward, and I'll close by saying this to you. It's like playing a game, let's say it's baseball...and we agreed on the rules, but we'll call it a memorandum of Understanding. Now, it's the bottom of the ninth, the bases are loaded, somebody steps up to the bat, hits the ball it's headed for a home run but somebody runs out of the dug out and says excuse me, let's stop the game we're gonna change the rules. That's what this is about tonight. It's not about lack of public input, or fear of public input. We've had ample opportunities. And I can say, and I think most of the aldermen will agree, the phone calls that we are receiving are not negative to this project at all, because the people of this city understand it. There's not any controversy out there in the community about this project; we'd be hearing it. So that's why this is an important project for this to move forward with.

Alderman Shea stated there is no one on this Board that is closer to his money than myself, you know, let's face it. And I'm telling the citizens of Manchester that this is truly economic development. Now, you mentioned to me Randy earlier that from the civic center we get absolutely no tax money to help the taxpayer. From this you quoted something to the effect that there is a potentiality of getting a \$100 million added to our tax base. Am I right or wrong?

Mr. Sherman stated you are absolutely correct.

Alderman Shea continued stating now I can't understand how people can favor a civic center where we are getting nothing back in fact we have to pay them to rent the civic center for our graduations, and the gentleman that is going to be in charge of the stadium alone is giving the city a million dollars to renovate Gill Stadium. I just can't understand why people feel that this has to go before a referendum. I would have voted for a referendum if people want it when it first began, but if we are in the middle of the ninth inning and obviously it's in the latter stages of this I can't see how a referendum worded like this which does not include the full benefit of it. On the referendum of the civic center it indicated that there would be nothing added to our taxes. In other words we would use the rooms and meals which is a no brainer because we are losing money there, I won't go into that Leo Bernier will stop me over there. Basically what I am saying is this is truly economic development. We have heard from people in our community look out for the economic development projects here are all for it, and I respect the people that are for a referendum, there is no question that a referendum has its place, but its place is not at the right time at this stage and I feel that we should obviously not support a referendum at this time.

Mayor Baines asked of Alderman Garrity wished to put something on the floor so they would have something to vote on.

Alderman Garrity stated can somebody explain to me why if we do a referendum in May why it delays the project.

Mayor Baines stated I don't know if Randy wanted to try it another time.

Mr. Sherman stated one I'm not sure you can pull a referendum off in the month of May, but I'm not sure that a referendum in May necessarily delays the project I think what the referendum does is it sends the wrong message to the investors. Last Friday they had the major retail investors looking at the site in town and they opened up the Union Leader and there is an editorial about a referendum and they all start getting squirrely on them. This project \$100 million, I'll tell you that the other projects that the Mayor is referring to make this one look small. They truly do. And I think Jay said it, you do this once and it starts to scare them all off. There are a lot of communities out there that would love to have a \$100 million project right now. I just spent last week in Buffalo and I'm telling you they could use \$100 million of downtown community development. So, I'm not sure that a referendum necessarily causes them a delay. Keep in mind though that you have given them certain dates that they have to finish items by and I think what they would do at this point is stop and therefore be caused not to meet those deadlines. Because again they are getting nervous about it.

Mayor Baines stated that while they may be willing to go forward, their investors may walk away, that's the danger that they have talked very clearly about in my conversation with them this afternoon.

Alderman DeVries stated I'd like to give credit to the Letter of Credit to Alderman Gatsas because I think he has been haunting Randy to pursue that with the developer for some time and I thank him for that because I think the letter of credit on top of the three year guarantee is soothing and it certainly gives a little bit more credibility to this. What I would like to emphasize here, this year we grew our tax base by about \$10 million. This project taking baseball out of it is starting at today's dollars at \$80 million to \$100 million depending on how things pan out. Putting that into perspective that's eight years of normal growth for the City of Manchester's tax base; that's representative if my quick numbers I got from the Assessors office, that's about half what the Mall of New Hampshire brought to Manchester's tax base. That is not a small project and for us to allow it to go by the wayside, this is personally financed, not city financed, \$80 million would not be something that the taxpayers in the City of Manchester want because it is the growth of the tax base that allows us to bring down the tax dollars. We've had issues bringing down the tax dollars because we have not grown our tax base.

Alderman Thibault asked in a special election like that, what kind of percentage of people would you get to come to an election like this.

City Clerk Bernier responded our past experience is 6 to 12 percent.

Alderman Thibault asked what kind of representation is that of the City of the people that are out there. That's not right. The other thing that I would like to say tonight is any time that we have a project such as this of this magnitude there's always been some nay sayers and people who look down upon almost anything that you bring up. Where would this City be at today if Verizon wasn't built, if the Holiday Inn wasn't built and that project, and even the Hampshire Plaza. Where would the city be today if some of the aldermen that sat here 25 or 30 years ago hadn't made those decisions, that's what you have to look at. And here we are telling a developer that wants to bring I \$100 million and we are hassling him. When are some of you guys going to start thinking a little bit. We are always being criticized that we don't do enough to increase our tax base, this is one of the best ways to do it. I'm all for it 1,000 percent with no referendum.

Mayor Baines asked Alderman Garrity if he wished to put a motion on the floor.

Alderman Garrity moved that hold a referendum vote in May that would be worded as contained in the communication except reflect the election would be held no later than June 1.

Alderman Shea asked if the cost of a special election would be \$27,000.

Mayor Baines responded about \$24,000.

Alderman Gatsas duly seconded the motion.

Alderman Gatsas stated Your Honor I know how fond you are of committees and I would think that at this time we would find, and I'm sure with the Chamber that was in here today, we would find four bankers and I would probably suggest Mike Whitney being one, and finding three of his associates in the city, where the developers finally come forward after many months, of at least this alderman looking for a personal guarantee on this project and finally willing to put the personal guarantee of the equity partners on the line, I would think that we would get a committee together so we would look at the financial statement of these people and report back to this Board, and I've got to put time essence of dates on things because I seem to ask for things, a review by this Board that we voted for in March about taking a look at the senior center, we still haven't seen that come forward. So I need to put a date on that so that we can get a committee to come forward with some reporting being somewhere by May 1 or before that if you are looking for a vote on this project before then because I certainly would think that with the bankers in town that if they look at the personal equity guarantees on these partners that we should go forward with this deal because at that point the city is not at risk. So I would certainly make a motion at this time or maybe after the motion on the referendum that we put a committee together to report back to this Board to make sure that the financial capabilities of the equity partners is there for a \$24 million project and not just a bond for three years, but it is there in the team that is involved in that equity position, because I certainly wouldn't want to see the team whisked away like it was out of New Haven.

Mayor Baines stated there is a motion on the floor that has been seconded.

Alderman Wihby stated this is in reference to what Alderman Gatsas has just said. Why wouldn't we not just put this question out and give the opportunity to those bankers to look at those numbers, I mean they are going to be there, and if in fact there is guarantees it's not going to cost anything, we'd be all set anyway. Why would we want to support a resolution if we can do that?

Alderman O'Neil stated what kind of precedent are we starting here. We are going to start having bankers review city business. I mean this is, we have a finance department that works and has resources with a financial advisor and bond counsel. I've all the respect in the world for Mike Whitney, he's a friend of mine, but I'm not sure he wants to get in the middle of these projects. I think we are setting a very bad precedent here that that is going to happen. We have a system it's worked here, I have faith that it is going to continue to work

that there is checks and balances on behalf of the citizens and I will not support that motion at all.

Mayor Baines stated I agree. I think the finance resources that the finance officer can explain will answer that question but secondly I do support however, a suggestion that was made earlier that we do form a Special Riverfront Development Committee such as you had for the civic center to allow for the proper oversight of this project going forward. So I would ask the Chairman to name that committee after this meeting so we can get that in place and begin working the project. Mayor Baines requested Mr. Sherman to respond to the previous question.

Mr. Sherman stated on three of the partners I have already done a financial review, a due diligence on that. I know that they are looking for some local investors and when local investors get added I will certainly go through the same process that I did on the other three. Now, I certainly precedent aside, I am sure that anybody else who goes and looks at those numbers will reach the same conclusion that I did that the financial resources certainly are there. One thing that I will throw out is I will continue to look at their finances, obviously you can't look at it once and expect it not to change in 20 years, so that review will be done on a continuing basis.

Mayor Baines stated why don't we get back to the referendum question, I'd like to call for a vote on the question.

Alderman Gatsas stated in the 6 to 4 to 3 L.L.C., do you know if the baseball team will be part of the equity of that L.L.C.

Mr. Sherman responded it will be eventually, once it is transferred. Right now it is not, it is currently owned by a Connecticut company, they bought it with a Connecticut company and they need to transfer it into the 6 to 4 to 3.

Alderman Gatsas stated so that will be an asset.

Mr. Sherman stated that will be an asset of that L.L.C.

A roll call vote was taken on the motion to refer the non-binding referendum; question to a ballot prior to June 1. Aldermen O'Neil, Lopez, Shea, DeVries, Smith, Thibault, Forrest, Wihby, Gatsas, Guinta, Sysyn, and Pinard voted nay. Aldermen Garrity, Gatsas and Osborne voted yea. The motion failed.

Report from Planning Director regarding the possible acquisition of the Wiggin & Nourie Building for City purposes.

Alderman O’Neil moved to refer the report to the Committee on Lands and Buildings.

Alderman Sysyn duly seconded the motion. There being none opposed the motion carried.

Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Deputy Clerk Johnson advised that the amount of the warrant was \$85,178.62.

Alderman Lopez moved to commit the warrant as presented in the amount of \$85,178.62.

Alderman Thibault duly seconded the motion. There being none opposed, the motion carried.

16. Communication from Deputy City Clerk requesting the Board to suspend the rules and enroll Ordinance:

“Amending Section 38.06 Citation Penalties of the Code of Ordinances of the City of Manchester providing for penalties for offenses relating to Section 70.28 Commercial Motor Vehicular and Truck Traffic prohibited During Certain Hours.”

Alderman DeVries moved to suspend the rules and place the Ordinance on its second reading by title only at this time without referral to the Committee on Bills on Second Reading.

Alderman Shea duly seconded the motion. There being none opposed the motion carried.

On motion of Alderman DeVries, duly seconded by Alderman Pinard, it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its second reading by title only, Alderman DeVries moved on passing same to be Enrolled. Alderman Smith duly seconded the motion. There being none opposed the motion carried.

Ordinances:

“Amending the Zoning Ordinance of the City of Manchester by extending the Central Business District zone (CBD) into an area currently zoned Redevelopment (RDV) in the area known as Singer Park generally bound by the Merrimack River on the west, the end of South Commercial Street on the north, the B&M rail yard on the east and the Goffstown Branch of the B&M (also known as the Trestle Bridge) on the south.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 0410, Lot 0007, known as 243 East High Street.”

“Authorizing the Mayor to dispose of certain tax deeded property located at Map 484, Lot 43 on Zorona.”

Alderman Garrity moved to dispense with the readings of the ordinances by titles only.

Alderman Forest duly seconded the motion. There being none opposed the motion carried.

These Ordinances having had their second presentation, Alderman Thibault moved on passing same to be Enrolled. Alderman Forest duly seconded the motion. There being none opposed the motion carried.

On motion of Alderman Shea, duly seconded by Alderman Guinta, it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

"Amending Section 38.06 Citation Penalties of the Code of Ordinances of the City of Manchester providing for penalties for offenses relating to Section 70.28 Commercial Motor Vehicular and Truck Traffic prohibited During Certain Hours."

"Amending the Zoning Ordinance of the City of Manchester by extending the Central Business District zone (CBD) into an area currently zoned Redevelopment (RDV) in the area known as Singer Park generally bound by the Merrimack River on the west, the end of South Commercial Street on the north, the B&M rail yard on the east and the Goffstown Branch of the B&M (also known as the Trestle Bridge) on the south."

"Authorizing the Mayor to dispose of certain tax deeded property located at Map 0410, Lot 0007, known as 243 East High Street."

"Authorizing the Mayor to dispose of certain tax deeded property located at Map 484, Lot 43 on Zorona."

were properly enrolled.

On motion of Alderman Sysyn, duly seconded by Alderman DeVries, it was voted to accept, receive and adopt the report.

Ordinances:

"Amending the Zoning Ordinance of the City of Manchester by extending the Central Business District zone (CBD) into an area currently zoned Redevelopment (RDV) in the area known as Singer Park generally bound by the Merrimack River on the west, the end of South Commercial Street on the north, the B&M rail yard on the east and the Goffstown Branch of the B&M (also known as the Trestle Bridge) on the south."

"Authorizing the Mayor to dispose of certain tax deeded property located at Map 0410, Lot 0007, known as 243 East High Street."

"Authorizing the Mayor to dispose of certain tax deeded property located at Map 484, Lot 43 on Zorona."

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was unanimously voted to dispense with reading of the ordinances by titles only.

These Ordinances having had their final presentation, Alderman Smith moved on passing same to be Ordained. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

NEW BUSINESS

Mayor Baines stated I wish to present another attempt as I would describe it to take authority away from the Board of Mayor and Aldermen. I've attached a copy of House Bill 151 as you can see another attempt has been made to remove the Board of Mayor and Aldermen the responsibility of setting the date of the Charter election. This bill has passed both the House and Senate, but it is my understanding and we have talked to people in Concord, it's because the Senate has added an amendment that wasn't on the House Bill it's now in the Committee on Conference, so activities like that continue. Unlike Senate Bill 77 the reference to a Special Election has been stricken from House Bill 151, however my objections remain because primary elections turn out very fewer voters than general elections as has been stated here today. To call for a vote on what is in effect a city constitution on any day other than the day when the most voters will turn out is in my view anti-democratic. Furthermore partisan elections return in future charter votes are held on the day of a primary independent voters will be able to vote only if they are willing to navigate the obstacles placed in front of independents who vote in primary elections. The amendment regarding the fall back budget has also been attached. Because the amendments were attached to a bill that has already passed the House hope for removing the amendments rests with the Committee on Conference who is charged with resolving differences in similar Bills passed by the House and the Senate. I am attaching a letter to Speaker Chandler and President Eaton expressing my concerns about the Bill. I was informed of the amendments to House Bill 151 by Senator D'Allesandro who notified his colleagues in the Senate of this Board's opposition to the amendments. But despite the fact that he informed the Senate that this Board was in opposition to it, the Bill was amended and passed on a voice vote according to Senator D'Allesandro the amendments were introduced by Senator Martel and I understand supported by Senator Gatsas. So we are going to ask again the aldermen to sign this, I will be calling the State House tomorrow to set up a personal meeting with the Speaker, I'll also be calling the Governor's office tomorrow to set up a personal meeting with him in the event this Bill reaches his desk and we need to be vigilant in Concord about efforts to usurp the authority of the Board of Mayor and Aldermen not only in this city but every city. The Senate is acting in a way that affects Nashua and Manchester and other cities and there doesn't seem to be any concern about that.

Alderman Shea stated this bill in essence what it tends to do is say the Charter commission can set a date for the election.

Mayor Baines stated they could say it's on July 2nd if they want.

Alderman Gatsas stated that was not true.

Mayor Baines stated if there was an error he would correct it.

Alderman Shea stated this bill is attached to another bill is that correct.

Mayor Baines stated that's correct.

Alderman Shea stated cause I got up there the last time and the point is that this was added to some other bill not related to this at all, and this was passed by the Senate, is that correct.

Mayor Baines responded that's right, on a voice vote.

Alderman Shea stated and the purpose of this is to allow the people on the Charter Commission to set a special election date or to set a date for a primary.

Mr. Scannell stated no.

Alderman Shea stated or the primary, they can say the primary, I'm a little bit confused, in other words they are in authority to set the date rather than the Board of Mayor and Aldermen.

Mayor Baines stated that's correct.

Alderman Shea stated either for a primary or a general election.

Mayor Baines stated Mr. Scannell, I did ask to distribute the letter about the comment of Senator Gatsas, could you explain that.

David Scannell responded I asked the Senator if he voted for it and he indicated on the phone that he had voted for it.

Alderman Gatsas stated that Mr. Scannell should get all his information right, because the entire Senate voted for it. Senator D'Allesandro on a voice vote was not recorded in opposition to it. He didn't explain to his colleagues anything about this bill and certainly it's in the Senate record so for somebody to make that statement either you made or Senator D'Allesandro made it somebody needs to apologize to the Senate cause that never happened. So it's either you Mr. Scannell, or Senator D'Allesandro.

Mayor Baines stated I talked to Senator D'Allesandro who indicated to me that he had raised that issue.

Alderman Gatsas stated that was never raised during the discussion. Senator Martel offered the amendment, the amendment passed on a voice vote.

Mr. Scannell stated alderman he may very well have indicated, he never indicated to me he did it on the floor, he may have talked to his colleagues individually, and that's what the sentence referred to.

Mayor Baines asked Alderman Gatsas if he had voted for it.

Alderman Gatsas replied the Senate voted for it, it was a voice vote. The Senators from Nashua voted for it. In further response Alderman Gatsas stated yes, he had voted for it.

Alderman O'Neil stated my concern is that we had this issue two weeks ago, three weeks ago, whenever it was on a different bill but it continues to come up, and I know Alderman Guinta would like to speak, but after it comes up I'd like this Board to go on record of opposing any bill and hopefully our colleagues in the legislature take that message up there and hopefully we can get it out to the Manchester delegation. I'm disappointed it keeps coming up trying to take the power away from the Board of Mayor and Aldermen and give it to the Charter Commission, it's not what they were elected to do, so I have some great concerns with that and I will make that motion after Alderman Guinta speaks.

Mayor Baines stated and I would say if the people went to the polls and elected a Charter Commission knowing that they are going to set an election that would be different, but this is an authority that has always been vested in the Board of Mayor and Aldermen.

Alderman Guinta stated in the last paragraph of your letter states Senator D'Allesandro who notified his colleagues in the Senate of the Board's opposition to the amendments. I know there is some discussion going on about if that conversation took place, but I'm actually not in favor of sending a letter voicing at least my opposition. As I look at this, and again to me it changes the state law that says the Board of Mayor and Aldermen set the date on the general election. Doesn't even give us a choice, we have to set a date on a general election. The amendment as I read it says now the Charter Commissioners will set the date either on a primary or a general, and the reason that I think that makes most sense is maybe I can speak to it better than anybody, is I feel as an alderman I have a conflict of interest in setting ad date for this vote simply by the fact that there may be language in the charter revisions that would prohibit me from running for re-election. If this election becomes partisan, as a federal employee, I couldn't run for the office or I couldn't hold the office. I think there is a conflict of interest in allowing me as an alderman to determine the date of the election

because my specific job here as an alderman is at stake. I think that is a blatant conflict of interest.

Mayor Baines stated could I just ask you a question about that. All the aldermen do under the existing law is to send it to the November election, there is no conflict and you just send it to the voters.

Alderman Guinta stated well then what's the problem if that's all it is what's the problem with saying instead of the aldermen and the mayor doing it that the charter does it on one of two days, either the primary or the general. Because what you are saying to me all it is, is we are setting a date determined by statute. If that's all it is why are we looking to keep that big power. To me that's not power.

Alderman Shea stated as I brought out up in Concord, there are unintended consequences. In other words once you've set the authority of setting dates with the charter commission you change the power of any municipality in terms of when they would set the date. So if the Board of Mayor and Aldermen in Manchester or the Council some place else sets a date for a particular election then if you give that power to the charter commission, then you are changing the date for anybody for anybody who has any committee within a municipality to set that date because they then are in charge of setting a date by the fact that the state law has been changed, that's what we are indicating. Now as far as your concerned personally the best way for your particular situation to be decided is at a general election where all the people have a right to vote whether they want partisan elections or whether they want non-partisan elections. Not at a primary because a primary does not bring out the full extent of the voting populous, it brings out a proportion of the voting populous and anyone, and I'm speaking for myself, generally speaking, I would like more people to vote in election in order for everyone to have a chance to vote because that's what democracy is all about. And in a primary as we have seen, I can give examples of people who don't vote in a primary. In other words the reason Governor Shaheen got in is because Ovide Lamontagne defeated Bill Zelliff in a primary election, and therefore what I'm trying to tell you is that not that many people came out to vote. And so basically, what I'm saying is that the power of setting the date for elections should rest with the Board of Mayor and Aldermen.

Mayor Baines asked if there was a motion to have the Board of Mayor and Aldermen going on record in opposition once again to this bill.

Alderman Lopez so moved. Alderman DeVries duly seconded the motion.

Alderman DeVries stated absolutely the primary in my mind is not representative of the voice of this community. You do not get the draw at that election to assure that their voice has been heard. At our general election absolutely, that is when we consistently have the percentages of our community out and voting and that is where such major decisions should

be made. The second half of this bill calls for the changing of our default budget, and I realize that there may be differences of opinion within this board but I just want to bring to the attention we are going to allow our community to potentially vote at a primary, change the default budget. Now on a year such as this where we are not going to be able to make accommodations for the Mayor's budget to open up our new fire house, instead of just not opening up the new fire house we would send many of our fire fighters home and close additional stations. We would lay off many teachers if we were trying to default to last year's budget. We've had changes in the COLA adjustments, which is the wage increases throughout the city, we have had changes in the cost of health insurance throughout the city, we could not default to last year's budget and do business in any resemblance of what we know to be business in the City of Manchester. That is something that the entire city of Manchester should have the opportunity to voice their response to at a general election not a primary.

Alderman Guinta stated I think you're right but you are also assuming that they are going to set it in September, first of all. And, second of all, because they have the option September or November, and if it is set in September for example, maybe the fact that the charter revision is a ballot question, maybe that enhances or increases voter turnout. It very well might. This is a very contentious charter revision process maybe people will come out and speak on it. And maybe the members of the community who are looking for baseball to get on a ballot, gets on the September ballot and that brings people out. But I don't know that. My point is as a political body I think we should remove any personal interests that are in this process and I think we all have a personal interest in when this election is set. So there is a movement up in Concord to change the date and it, I don't even like this word power. We all think we have power to set this election, we are mandated by law to set the date on one day. It's not like we can choose any day of the year. We are mandated by statute to set it on one day. To me that's not power. That is an administrative duty or function and because our positions and our jobs are at stake we should defer that responsibility to the nine members that were elected by this City. Let's trust the voters. Let's trust the Charter Commissioners. Maybe they will set it in November or maybe they will set it in September but I don't feel comfortable making that decision when my job could potentially be at stake and I really think that is what is going on. It is more about...I am the only one saying that I have something at stake to lose and I don't mind losing it. I don't mind deferring that responsibility to someone else. Everyone else here seems to be so concerned about power and less concerned about when this election should and may take place. It could enhance voter turnout in September if it is set in September. I think we should at least give the people the opportunity or the Charter members the opportunity to make that decision.

Mayor Baines responded the issue as I see it...yes there are some issues because it has always been authority given to the Board but the issue is the general election. No matter what you do with the primary, yes, you would have greater participation. By the way, we have the greatest participation that we have ever had in the City in primaries now because

they are non-partisan. 150% increase in voter turnout in the primary because they are non-partisan. This Charter Commission wants to take that away so, therefore, in the future...

Alderman Guinta interjected we don't know if they want to take it away. They keep going back and forth. That is a great example though. If, for example, it stays non-partisan, the voter participation increases dramatically. You know what, maybe this is another enhancement to the voting process and I think we should at least provide the alternative to have the Charter members make that decision. I don't have a problem with that whatsoever. People are so upset about this issue...I don't think we are taking any power away from ourselves.

Mayor Baines replied then why don't we have a State law that says no one has any authority other than, the law will say, the Charter revisions go to the general election and then everybody is out of the process.

Alderman Guinta responded that is an idea.

Alderman Wihby stated I agree with Alderman Guinta but on number five on the budget process it is not true that that would go to a primary. What that is doing is changing...it is giving the option if the Charter members so decide to either go with a fallback budget or go with something different. If four didn't pass, five would still be coming in under the general election and would be voted on so that is not...four and five are two different issues. Five can still be okayed if we believe that we want to save money and have some sort of fallback position other than the Mayor's. We don't necessarily have to go with both four and five but five should stay in there. It gives the option to the Charter Commission and it gives the option to the citizens and it doesn't...right now the law says that it has to be your fallback budget. I don't think the Aldermen liked that situation in the last budget year. I think they wanted something different but they had to accept that and this allows that to be changed. The regular citizens, your Honor, are going to okay the Charter and this could be done in a general in item four was taken out.

Mayor Baines stated the letter that is going out only addresses the first issue, Alderman.

Alderman Wihby asked where is the letter.

Mayor Baines answered it is being passed around.

Alderman Wihby stated it says amendments.

Mayor Baines stated well we have a motion on the floor.

Alderman Shea stated when someone says that they are not interested in power, by the very fact that they are making a statement about power they are interested in power. Let me speak for myself, your Honor. I personally don't care how the vote comes out. I am not interested. As a person I try to serve my constituents as all the other Aldermen here do. It is not a question of power. It is a question of assuming the responsibilities for which we were elected. We were elected by constituents in our ward to perform our duties to the best of our ability and we do not want people in Concord taking that responsibility out of our particular hands. We were elected to set the elections. This has always been the case. Alderman Gatsas referred to the fact that the Legislature gave us that power, whether it was in 1992 or 1872 as long as I have been an Alderman we set the dates for the election and that is what I believe is the right thing to do. I don't care how the Charter Commission votes. As far as I am concerned let them make their decisions and let the people vote on that. I am not out for any kind of power. I am out to perform my responsibilities to the best of my ability and I want that to be made clear to the constituents that I serve and to the people in Manchester. Thank you.

Alderman DeVries stated I certainly agree. This is not at all about power. This is about democracy in action and to address Alderman Wihby, if this is changed, the references to the budget, it will come back and it will be addressed by a Charter change, which if the first half allows will come before us at a primary rather than a general election where Charter changes should be addressed. That is the point that I am making. All Charter changes are significant and should be the voice of a significant portion of our population, as large as we can get that portion of our population to be.

Mayor Baines asked the Clerk to read the motion.

Deputy Clerk Johnson stated it is my understanding that the motion on the floor is to support the communication from the Mayor.

Alderman O'Neil asked is this only addressing HB151 or can we in the same motion say any future...I mean this is the second time that this type of issue has come up and is it because it was a different...I think it was a Senate Bill the first time and now it is a House Bill.

Mayor Baines replied it will go back and forth until they go home.

Alderman O'Neil stated every week we will be meeting on this.

Mayor Baines called for a vote on the motion. The motion carried with Aldermen Wihby and Guinta being duly recorded in opposition.

Alderman Wihby stated I would like to file a minority report that says that we back the budget changes.

Mayor Baines asked can the City Solicitor or somebody advise me. We already passed that issue.

Alderman Wihby stated I want to file a minority report. The Legislature likes to hear from us.

Mayor Baines stated the other thing that I think this is going to force us into doing as a municipality is to have someone up there working on our behalf and keeping us informed. Because these things are going on it is going to create an added expense for governments and a lot of governments are doing that now. We are going to have to have somebody up there following legislation.

Alderman Shea stated a house divided against itself shall not stand.

Deputy Solicitor Arnold stated you have already passed a motion. I suppose...

Mayor Baines interjected there can't be a minority report on the motion. There are three people or whatever the number was that opposed it.

Alderman Wihby stated we can file a minority report, your Honor.

Mayor Baines stated I would like some advice right now from the Deputy Solicitor.

Alderman O'Neil asked Alderman Wihby who are we filing the minority report with.

Alderman Wihby responded whoever you are filing the majority report with.

Mayor Baines stated I think the motion is out of order.

Deputy Solicitor Arnold stated obviously a motion has been made and passed. If there is a contrary position a new motion could be made.

Alderman Wihby stated I did. I just made a motion to file a minority report.

Alderman Guinta duly seconded the motion to file a minority report.

Mayor Baines called for a vote. The motion failed.

Deputy Clerk Johnson stated we have a communication from Alderman Osborne:

I am requesting your support to establish an ordinance to address the trash issue in the City of Manchester. In some areas of the City, particularly those with multi-family residences, trash is being blown and deposited throughout the streets.

I would like the Highway Department and the City Solicitor's Office to draft an ordinance to address this issue by requiring large containers, like those in parks or condominiums for multi-family dwellings.

Specifically, I am requesting that the Highway and Solicitor's offices draft the ordinance and present it to the Committee on Community Improvement for consideration. Your favorable consideration would be appreciated.

s/Alderman Osborne

On motion of Alderman Osborne, duly seconded by Alderman Lopez, it was voted to request the Highway Department and City Solicitor's Office to draft the ordinance and present it to the Committee on Community Improvement.

A report of the Committee on Human Resources/Insurance was presented respectfully recommending that a request to revise the class specification for a Payroll Coordinator be approved; a request to reclassify positions of Ordinance Violations Coordinator and Customer Service Representative I for the Ordinance Violations Bureau be approved; that a request to reclassify a Civil Engineer II position in the Public Works Department to a new classification of Environmental Permits Program Coordinator be approved; and a request to adopt a new class specification for a Security Officer-Water Works be approved. They are further recommending that the Board suspend the rules and place the related ordinances on their final readings and adopt them this evening.

Alderman Lopez moved to accept the report. Alderman DeVries duly seconded the motion.

Alderman Shea stated I know that Alderman Wihby brought up the fact that there was something that would add \$34,000 to the payroll for the person in the HR office and I think he can clarify that.

Ms. Ginny Lamberton stated the position is already funded. We had funds...it shouldn't have been on there and if anything should have been on there it should have reflected the fact that we are going to use the position 3/5 of the time, which is \$20,000 and change.

Alderman Garrity asked so the fiscal impact has dropped from \$34,000 to \$20,000. Is that right?

Ms. Lamberton answered no. The funds for the salary of that position are already in my budget and I am not sure why that ended up on...there is no additional financial impact. In fact we are actually going to save money because we are not filling it full-time.

Alderman Garrity asked so are you saying that the funds for that position were also in this year's budget or is it in next year's budget.

Ms. Lamberton answered in this year's budget and in next year's budget as well.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

On motion of Alderman Wihby, duly seconded by Alderman Pinard it was voted to suspend the rules and place the Ordinances on their third and final reading by title only.

“Amending Section 33.026 (Payroll Coordinator) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.025 & 33.026 (Ordinance Violations Coordinator & Customer Service Representative I) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Environmental Permits Program Coordinator) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025 & 33.026 (Security Officer-Water Works) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted that the Ordinances, having had their third and final reading by titles only, be Ordained.

Deputy Clerk Johnson stated there is one other communication that was distributed to the Board. It came from your office and I presume you wanted it addressed. It is a letter of request for approval to seek permitting of a solid waste resource recovery facility. I am not sure if anybody is here to address it but they had requested to address the Board this evening.

Mayor Baines responded no that is not going to be until May. We did inform them of that.

Alderman Gatsas stated I believe everybody received this document. Did this come from your office?

Mayor Baines responded I don't know what you are holding up.

Alderman Gatsas stated it says comparison of House Bill 608 and current law in education funding.

Mayor Baines replied it is not from our office.

Alderman Gatsas asked does anybody know who circulated this.

Alderman Shea stated it may have come from the School Department.

Mayor Baines stated it did not come from our office.

Alderman Gatsas asked have you seen it.

Mayor Baines answered no I have not seen it.

Alderman Gatsas asked has anybody from your office seen it. Well somebody ought to take a look at it because I think this is sending a very bad message to this Board if this is what has been circulating.

Mayor Baines asked what is the bad message.

Alderman Gatsas replied the bad message is that the current law as it stands right now for FY04 is not a tax rate of \$4.92, it is a tax rate of \$5.80 and it is not a grant portion of \$4.80, it is a grant portion of \$3.90. So I don't know who circulated this but I would think before somebody put it in our mailboxes or however we got it somebody would be telling us where these numbers came from.

Mayor Baines stated if I could respond I would, but I can't.

Alderman O'Neil asked can we find out exactly what we are getting for homeland security money.

Mayor Baines answered right now we are getting zero. There is a formula and I have been circulating all of the information that we have been receiving on homeland security dollars to the Chief. There is a formula that is coming down. There is also a requirement in the Legislation that a certain percentage go to local communities but there is also an application process. One of the things that we are reading in it is it will not allow for any overtime expenses, which is really contrary to every Mayor in the country because that is what a lot of your costs are for. We are going to begin working with the State on some of the grants. Chief, I don't know if you want to say anymore but we still haven't received any of the final information on the dollar amount. I don't believe it has even been sent to the State yet.

Alderman O'Neil asked without debating this tonight could we get some kind of feedback from the Fire Chief, Police Chief and Health Officer.

Mayor Baines replied why don't we report back at the next meeting what the status of homeland security dollars is.

Alderman O'Neil stated I would like to hear from all three of those departments.

Mayor Baines responded absolutely and I will work with the Chief on that to get that to the Board.

Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

Mayor Baines recessed the regular meeting to meet with the Chief Negotiator for a negotiation strategy session.

Mayor Baines called the meeting back to order.

Mr. David Hodgen stated if it is the will of the Board, a motion would be in order to approve the Firefighter's Proposal to settle their negotiations in accordance with the memorandum dated April 11, 2003 and the cost calculations attached.

Alderman Lopez moved to amend the contract by deleting the words "regardless of the number of hours actually worked" under Item D, number 1, third paragraph and under 11.3 (h) delete and add the same language as the Fire supervisors. The language being "time and one half for hours worked to cover another employee."

Alderman Guinta duly seconded the motion.

Alderman Wihby asked how are we changing something without them agreeing to it or did they just agree to it.

Alderman Lopez replied I don't know if they agreed to it but I am approving it providing that they agree to it.

Mayor Baines stated if there is a problem, it will come back.

Alderman Wihby asked is there enough money in the budget to take care of these raises and move things around in there so that we can take care of the raises and not necessarily raise the taxes because of it.

Mayor Baines responded the answer to that question is that the Chief has indicated that he has approximately \$400,000 of additional money that he feels he can manage his budget with and open up the fire station in January. If, in fact, there is an additional amount of money that is not raised he is going to have to make or this Board is going to have to make some choices about the fire station or other issues related to services in the City. That is the best way I can answer that. Our challenge will be as a Board...again if we want to try to keep our focus on the tax rate with the requirements of all of the different departments in the City and

look at other ways to save money, if you remember I presented a whole menu of ways that we could save additional money and reduce the taxes.

Alderman Shea asked, Mr. Hodgen, is this an agreement that you, yourself, agreed to.

Mr. Hodgen answered this is the Firefighter's proposal to settle the agreement.

Alderman Shea responded I am asking though if this is something you agreed to or is it just a proposal coming from them.

Mr. Hodgen replied it is a proposal forthcoming from them.

Alderman Shea asked you didn't have a chance to do any kind of negotiating or anything. You just got this the same time we did?

Mr. Hodgen answered no. I thought personally that it exceeded any parameters, any permission that the Board had granted to me so, therefore, I was not able to make a tentative agreement with them.

Alderman Shea asked what I am saying is if you were given time you would go back and try to negotiate something that would be more amenable.

Mayor Baines answered that is absolutely not what he said. He said very clearly that we had given him some parameters, just like any negotiation. If, in fact, he did not feel comfortable that the parameters were met, he has to come back to the Board with a proposal, which he has done. That is absolutely not what he was saying.

Alderman Shea stated but you didn't negotiate with the firefighter's with this contract. They gave you this contract and you have looked at it.

Mr. Hodgen answered we spent a lot of time negotiating with them but ultimately there were things that they wanted that I did not feel I was authorized to agree to. Nonetheless, we brought this proposal here for the Board's consideration.

Mayor Baines asked when was the last negotiation session.

Mr. Hodgen answered a week ago yesterday.

Mayor Baines stated so they were negotiating right up until the very end.

Alderman Gatsas asked is it with your advice and your good counseling that we move forward with this budget that it may incur a property tax increase.

Mayor Baines answered well it is too early to project because you realize, Alderman Gatsas, that a tax rate is not set until November after all financial information is in. It is precarious at best to try to estimate a tax rate. We are required to do so. I have given various proposals out there to reduce the burden on the taxpayer with different proposals whether it be responsible recycling, consolidation of different departments or other strategies. There is a whole menu of options that this Board could look at to not increase the taxes beyond what we have estimated.

Alderman Gatsas asked is that...I assume...

Mayor Baines interjected my answer is what it is.

Alderman O'Neil stated my understanding is that we may have some other issues regarding the fire service that this Board needs to address. One is when the new station will open. That is an issue that needs to be addressed by this Board. We should not hold this agreement up against that in my opinion. We also have an issue with regards to increased retirement costs. That is an issue that should not be used to hold up this agreement. Those are two totally separate issues that this Board needs to address over the next few weeks or months. Thank you.

Alderman DeVries stated, Mr. Hodgen, this contract is similar to, as far as the cost of living increases with every other contract that has already been ratified. Is that correct? The 1% and 2%?

Mr. Hodgen responded yes the cost of living and also the health and dental.

Alderman DeVries asked as far as the management issues, which are the individual Fire Department issues that they have negotiated with you, the majority of those are very similar to what was negotiated and approved by yourself and ratified by this Board with the District Chiefs, correct.

Mr. Hodgen answered similar but not exactly the same.

Alderman DeVries asked but you did approve of them when they came before us for the District Chiefs.

Mr. Hodgen answered yes. The local issues with the District Chiefs were decided at the department level and, yes, we brought in a tentative agreement.

Mayor Baines asked that you agreed to.

Mr. Hodgen answered yes. Tentative agreement implies that we agree with it.

Alderman DeVries asked and in fact the costs on this contract as presented to us is less than many of the contracts that we have previously ratified when we look at the numbers versus the savings.

Mr. Hodgen replied I don't know how to answer that. We had big contracts and little ones.

Alderman DeVries stated well Fire is one of our larger groups.

Mr. Hodgen responded yes and we are comparing it with health and so forth so it is very hard to...

Alderman DeVries interjected Chief Kane taking aside all of the budget issues that will come before us as we look at next year's budget, if this proposal had come before you two months ago would you have been saying that this was a proposal that you would be giving the nod to not knowing.

Chief Kane answered yes.

Alderman DeVries asked because at that point in time you never would have known the pension liabilities you would have had.

Chief Kane answered yes.

Alderman DeVries asked so this is a proposal that you would support.

Chief Kane answered yes.

Alderman Smith stated, Joe, you know by concerns on vacation buy backs. You are telling me now that if you have people working you are going to save money definitely on overtime.

Chief Kane answered that is what we anticipate.

Alderman Wihby stated, Joe, Alderman O'Neil stated there is leeway in moving the station or looking into that. When you figured the calculation of the \$600,000 or whatever it was for the station opening in January is that the number?

Chief Kane answered yes it is.

Alderman Wihby asked and that is a whole new crew and everybody being hired and there is maybe something that we can look at that moves a crew over there to save some money. Is that a possibility?

Chief Kane answered what that \$600,000 represents is a whole new crew and it also represents utilities and the cost of running the station. It includes the whole package. What you are asking me is is it possible to close one fire station and open that station. That is something that we discussed with the Commissioners today.

Alderman Wihby asked so there are ways of getting that \$600,000 down.

Chief Kane answered I don't think that is something that we...neither the Commissioners nor myself have looked at. I think if we start closing a fire station in one area of the City to open one in another area of the City that is going to cause concerns for the area of the City we are taking the trucks from.

Mayor Baines stated I don't think Alderman Wihby was talking about closing fire stations. He was talking about other ways of...

Alderman Wihby interjected other ways of working it so that number comes down.

Chief Kane stated we have looked at it on several different angles and we really haven't come up with a way to do that.

Mayor Baines called for a vote on the motion to approve a proposed settlement between the City and the Firefighter's Union pursuant to a memo dated April 11, 2003 with the following changes: Item D, number 1, third paragraph – delete verbiage “regardless of the number of hours actually worked” and Item 11.3 of the Memorandum of Understanding (h) – delete language and replace with “employees will be paid time and one half for hours worked for another employee.” There being none opposed, the motion carried.

There being no further business to come before the Board, on motion of Alderman Pinard, duly seconded by Alderman Smith, it was voted to adjourn.

A True Record. Attest.

City Clerk